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Of Attorneys for Plaintiffs

CHIMPS, INC., INTERNATIONAL PRIMATE

PROTECTION LEAGUE, and MARGUERITE GORDON

UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

**CHIMPS, INC., INTERNATIONAL
PRIMATE PROTECTION LEAGUE, and
MARGUERITE GORDON,**

Plaintiffs,

vs.

PRIMARILY PRIMATES, INC.,

Defendant.

Case No.: 07-6149-HO

**DECLARATION OF BRUCE
WAGMAN IN SUPPORT OF
PLAINTIFFS' MOTION FOR LEAVE
TO FILE SUR-REPLY AND
SUPPORTING DECLARATION**

I, Bruce Wagman, make the following declaration on personal knowledge, under penalty of perjury:

1. I am lead counsel for the plaintiffs, and I make this declaration in support of Plaintiffs' Motion for Leave to File Sur-Reply and Supporting Declaration.

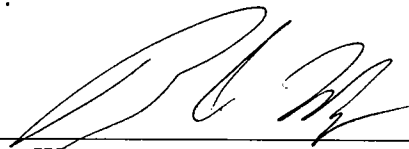
2. Plaintiffs' counsel, Craig J. Capon, conferred with William Sherlock, counsel for defendant, and he has informed us that he objects to this motion.

3. Plaintiffs seek leave to file a short sur-reply and supporting declaration to respond to one particular issue in the reply filed by defendant in support of the pending Defendant's Motion to Dismiss or, in the Alternative, to Change Venue. Defendant included with its reply brand new evidence, adduced in testimony in a different legal action on August 29, 2007, which plaintiffs believe is irrelevant and incomplete in its presentation, but which defendant nevertheless relies on in its reply. In particular, defendant offers selective excerpts from the deposition of Lee Theisen-Watt, the former court-appointed receiver that signed the three Animal Transfer Agreements that are at issue in this litigation. In their sur-reply, plaintiffs respond to the new evidence highlighted in the reply and describe the evidence set forth in a supporting declaration signed by Ms. Watt.

4. Accordingly, plaintiffs seek leave to file and have the Court consider their sur-reply and supporting declaration.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 4th day of October, 2007.



Bruce Wagman

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CERTIFICATE OF SERVICE

I certify that on October 4, 2007, I served or caused to be served a true and complete copy of the foregoing **DECLARATION OF BRUCE WAGMAN IN SUPPORT OF PLAINTIFFS' MOTION FOR LEAVE TO FILE SUR-REPLY AND SUPPORTING DECLARATION** on the party or parties listed below as follows:

 X Via CM / ECF Filing
 Via First Class Mail, Postage Prepaid
 Via Facsimile
 Via Personal Delivery

William H. Sherlock
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Primarily Primates, Inc.

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CERTIFICATE OF SERVICE